

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO SUMMARY ORDERS FILED AFTER JANUARY 1, 2007 IS PERMITTED AND IS GOVERNED BY THIS COURT'S LOCAL RULE 32.1 AND FEDERAL RULE OF APPELLATE PROCEDURE 32.1. IN A BRIEF OR OTHER PAPER IN WHICH A LITIGANT CITES A SUMMARY ORDER, IN EACH PARAGRAPH IN WHICH A CITATION APPEARS, AT LEAST ONE CITATION MUST EITHER BE TO THE FEDERAL APPENDIX OR BE ACCOMPANIED BY THE NOTATION: "(SUMMARY ORDER)." A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF THAT SUMMARY ORDER TOGETHER WITH THE PAPER IN WHICH THE SUMMARY ORDER IS CITED ON ANY PARTY NOT REPRESENTED BY COUNSEL UNLESS THE SUMMARY ORDER IS AVAILABLE IN AN ELECTRONIC DATABASE WHICH IS PUBLICLY ACCESSIBLE WITHOUT PAYMENT OF FEE (SUCH AS THE DATABASE AVAILABLE AT [HTTP://WWW.CA2.USCOURTS.GOV/](http://www.ca2.uscourts.gov/)). IF NO COPY IS SERVED BY REASON OF THE AVAILABILITY OF THE ORDER ON SUCH A DATABASE, THE CITATION MUST INCLUDE REFERENCE TO THAT DATABASE AND THE DOCKET NUMBER OF THE CASE IN WHICH THE ORDER WAS ENTERED.

At a stated term of the United States Court of Appeals
for the Second Circuit, held at the Daniel Patrick Moynihan
United States Courthouse, 500 Pearl Street, in the City of
New York, on the 14th day of August, two thousand eight.

PRESENT:

HON. ROGER J. MINER,
HON. JOSÉ A. CABRANES,
HON. REENA RAGGI,
Circuit Judges.

CHANGMING REN,
Petitioner,

v.

BOARD OF IMMIGRATION APPEALS,
Respondent.

04-6121-ag
NAC

1 **FOR PETITIONER:** **Tao Lin, New York, New York.**

2
3 **FOR RESPONDENT:** **Jeffrey S. Bucholtz, Acting**
4 **Assistant Attorney General, James E.**
5 **Grimes, Senior Litigation Counsel,**
6 **Erica B. Miles, Attorney, United**
7 **States Department of Justice, Civil**
8 **Division, Office of Immigration**
9 **Litigation, Washington, D.C.**

10
11 UPON DUE CONSIDERATION of this petition for review of a
12 decision of the Board of Immigration Appeals ("BIA"), it is
13 hereby ORDERED, ADJUDGED, AND DECREED, that the petition for
14 review is DENIED.

15 Petitioner Changming Ren, a native and citizen of the
16 People's Republic of China, seeks review of the October 29,
17 2004 order of the BIA affirming the June 30, 2003 decision
18 of Immigration Judge ("IJ") Michael Rocco, denying his
19 application for asylum, withholding of removal, and relief
20 under the Convention Against Torture ("CAT"). *In re*
21 *Changming Ren*, No. A79 301 102 (B.I.A. Oct. 29, 2004), *aff'g*
22 No. A79 301 102 (Immig. Ct. Buffalo June 30, 2003). We
23 assume the parties' familiarity with the underlying facts
24 and procedural history of the case.

25 When the BIA summarily affirms the decision of the IJ
26 without issuing an opinion, see 8 C.F.R. § 1003.1(e)(4), we
27 review the IJ's decision as the final agency determination.
28 See *Wensheng Yan v. Mukasey*, 509 F.3d 63, 66 (2d Cir. 2007).

1 We review the agency's factual findings, including adverse
2 credibility determinations, under the substantial evidence
3 standard. See 8 U.S.C. § 1252(b)(4)(B); *Dong Gao v. BIA*,
4 482 F.3d 122, 126 (2d Cir. 2007).

5 As a preliminary matter, because Ren failed to
6 challenge the IJ's denial of his CAT claim in either his
7 brief to the BIA or his brief to this Court, we deem that
8 claim abandoned. See *Gui Yin Liu v. INS*, 508 F.3d 716, 723
9 n.6 (2d Cir. 2007) (citing *Yueqing Zhang v. Gonzales*, 426
10 F.3d 540, 545 n.7 (2d Cir. 2005)). Regarding the agency's
11 denial of asylum and withholding of removal, we deny Ren's
12 petition for review for the reasons explained below.

13 It is axiomatic that the requirements of Federal Rule
14 of Appellate Procedure 28(a) are "mandatory." *Sioson v.*
15 *Knights of Columbus*, 303 F.3d 458, 459 (2d Cir. 2002).
16 Petitioners seeking judicial review have an obligation to
17 present their arguments clearly and to support them with
18 citations to relevant legal authority and record evidence.
19 See Fed. R. App. P. 28(a)(9)(A) (providing that a brief must
20 contain "appellant's contentions and the reasons for them,
21 with citations to the authorities and parts of the record on
22 which the appellant relies"). Moreover, issues not
23 sufficiently argued in the briefs are considered waived and
24 normally will not be addressed on appeal. See *Yueqing*

1 *Zhang*, 426 F.3d at 541 n.1, 545 n.7 (citing *Norton v. Sam's*
2 *Club*, 145 F.3d 114, 117 (2d Cir. 1998)); see also *Frank v.*
3 *U.S.*, 78 F.3d 815, 833 (2d Cir. 1996) (noting that "simply
4 stating an issue does not constitute compliance with Rule
5 28(a): an appellant or cross-appellant must state the issue
6 and advance an argument"), *certiorari granted and judgment*
7 *vacated on other grounds by Frank v. United States*, 521 U.S.
8 1114 (1997). While we have the power to address an argument
9 despite a waiver of this sort, we ordinarily will not do so
10 unless manifest injustice otherwise would result. See *LNC*
11 *Invs., Inc. v. Nat'l Westminster Bank, N.J.*, 308 F.3d 169,
12 176 n.8 (2d Cir. 2002) (citing *Anderson v. Branen*, 27 F.3d
13 29, 30 (2d Cir. 1994)).

14 Ren's brief to this Court fails to comply with Rule
15 28(a) in multiple respects and is otherwise of poor quality.
16 Among other deficiencies, the brief: fails to include any
17 cites to the administrative record; includes an inadequate
18 statement of the facts and procedural history; fails to
19 include a summary of the arguments; includes a
20 jurisdictional statement that is incomplete, factually
21 inaccurate, and contains citations to sections of the United
22 States Code and the Immigration and Nationality Act that
23 have nothing to do with jurisdiction; is largely devoid of
24 relevant citations to decisions of this Court; and fails to

1 provide the relevant standard of review. Moreover, Ren
2 challenges only two of the findings supporting the IJ's
3 adverse credibility determination, having abandoned any
4 challenge to the other findings (notably the IJ's finding
5 that he failed to sufficiently corroborate his claims). See
6 *Gui Yin Liu*, 508 F.3d at 723 n.6. As to the findings that
7 he does challenge, he makes no attempt to connect the facts
8 provided to any relevant legal principle. See *Sioson*, 303
9 F.3d at 459 (observing that "[t]o make a legal argument is
10 to advance one's contentions by connecting law to facts"
11 (citing Fed. R. App. P. 28(a)(9)(A))).

12 Ren's "brief is tantamount to an 'invitation . . . to
13 scour the record, research any legal theory that comes to
14 mind, and serve generally as [his] advocate.'" *Id.* at 460
15 (quoting *Ernst Haas Studio, Inc. v. Palm Press, Inc.*, 164
16 F.3d 110, 112 (2d Cir. 1999)) (alterations added). This is
17 not our function, especially in a counseled case. See *id.*
18 In light of the foregoing, we find that Ren's brief does not
19 comply with Rule 28(a), and deem waived any challenges to
20 the agency's adverse credibility determination.¹ See *id.*;
21 see also *Norton*, 145 F.3d at 117. Ren's failure to raise

¹In any event, a brief review of the adverse credibility determination reveals that it was supported by specific, cogent findings and was dispositive of the agency's denial of relief. See *Zhou Yun Zhang v. INS*, 386 F.3d 66, 74 (2d Cir. 2004), overruled in part on other grounds by *Shi Liang Lin v. U.S. Dep't of Justice*, 494 F.3d 296, 305 (2d Cir. 2007) (en banc).

1 any adequate challenge to that determination is fatal to his
2 petition for review. Counsel is cautioned that the future
3 filing of such an inadequate submission will be grounds not
4 only for rejection of the brief but a formal reprimand or
5 other sanction, including the possible referral to the
6 Court's Grievance Panel.

7 For the foregoing reasons, the petition for review is
8 DENIED. As we have completed our review, any stay of
9 removal that the Court previously granted in this petition
10 is VACATED, and any pending motion for a stay of removal in
11 this petition is DISMISSED as moot. Any pending request for
12 oral argument in this petition is DENIED in accordance with
13 Federal Rule of Appellate Procedure 34(a)(2), and Second
14 Circuit Local Rule 34(b).

15 FOR THE COURT:
16 Catherine O'Hagan Wolfe, Clerk
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By: _____